

Exhibit 13

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STATE OF NEW YORK, et al,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States, et al.,

Defendants.

Case No. 25-11221

DECLARATION OF STEPHEN GAWLIK

I, Stephen Gawlik declare as follows:

1. I am a Senior Counsel and Vice President of Capital Projects for the New York State Urban Development Corporation d/b/a Empire State Development (ESD). I submit this declaration in support of the Plaintiff States' motion for summary judgment.

Personal background and qualifications

2. ESD is a public benefit corporation organized under the laws of New York State and is charged with promoting economic development in the state.

3. In my role with ESD, I have been assigned to assist with implementation of the Arthur Kill Terminal project located in Staten Island, New York (the Project).

The Project

4. The Project consists of the development of a state-of-the-art port facility in Staten Island, New York that when completed would serve as the epicenter of offshore wind component staging and assembly on the east coast due to its prime location that is seaward of all bridges in the region and along the deep draft Arthur Kill channel. When completed, the Project will be an essential part of the infrastructure supporting offshore wind energy servicing New York and the region.

5. The Project is being designed, constructed and developed by Arthur Kill Terminal LLC (AKT), a private corporation. In order to assist AKT in completing the Project, ESD has applied for and been awarded grants totaling

\$48,008,231 from the U.S Department of Transportation Maritime Administration (MARAD) as part of the Port Infrastructure Development Program.

6. ESD's role in the Project is to act as the government sponsor to apply for and receive the federal grant funding that will be provided to AKT to fund a portion of its costs incurred in the development, design, and construction of the Project. The total Project costs are expected to exceed \$361 million.

Current Status

7. The Project requires significant environmental review pursuant to the National Environmental Policy Act (NEPA) and the receipt of numerous permits prior to start of construction.

8. ESD has been advised that the environmental review and processing of permits needed to start construction of the Project under the Clean Water Act and Rivers and Harbors Act has been paused by the Army Corps of Engineers because of a Presidential Memorandum issued by President Trump on January 20, 2025 that is called the *Temporary Withdrawal of All Areas on the Outer Continental Shelf From Offshore Wind Leasing and Review of the Federal Government's Leasing and Permitting Practices for Wind Projects*, that has halted all federal approvals necessary for the development of offshore- and onshore-wind energy.

9. This delay threatens receipt of the \$48,000,000 in MARAD grants that are needed by AKT to fund and complete the Project because ESD has been advised by MARAD that the grant agreement between ESD and MARAD needs to be executed by September 30, 2025. However, since the completion of NEPA review is

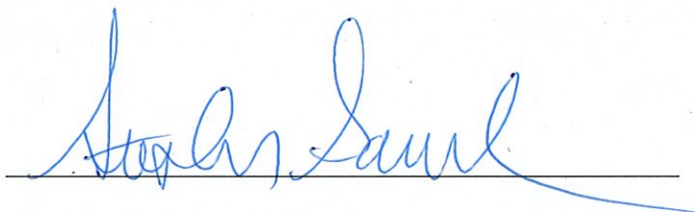
a prerequisite to execution of the grant agreement, the current indefinite delay jeopardizes the Project's timeline, and subsequently, the \$48,000,000 grant on which the Project is relying.

Conclusion

10. The Project is an important economic development initiative to New York State and the wind energy industry. The current delay in completing the environmental review and processing the permits jeopardizes the viability of the Project and accompanying economic development benefits in New York State.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Buffalo, New York on July 28, 2025.



STEPHEN GAWLIK